

**RULES
OF
BOARD OF REGENTS
OF THE
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE**

INSTITUTIONAL STUDENT DISCIPLINARY RULES

**CHAPTER 0240-3-6
TENNESSEE TECHNOLOGICAL UNIVERSITY
STUDENT DISCIPLINARY RULES**

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0240-3-6-.01 INSTITUTION POLICY STATEMENT.

- (1) University students are citizens of the State, local and national governments, and of the academic community, and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of higher education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the State Board of Regents has authorized the President of the University to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization, the University has developed the following Regulations which are intended to govern student conduct on the Tennessee Technological University campus. In addition, students are subject to all national, state, and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the institution may enforce its own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these Regulations may subject a student to disciplinary measures by the institution whether or not such conduct is simultaneously violative of state, local, or national laws.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed July 14, 1992; effective October 28, 1992.

0240-3-6-.02 DISCIPLINARY OFFENSES.

- (1) Generally, through appropriate due process procedures, institutional disciplinary measures shall be imposed for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on institution or institution-controlled property.
- (2) Individual or organizational misconduct which is subject to disciplinary sanctions include but shall not be limited to the following examples:

(Rule 0240-3-6-.02, continued)

- (a) Conduct dangerous to others. Any conduct which constitutes a serious danger to any person's health, safety or personal well-being, including any physical abuse or immediate threat of abuse;
- (b) Sexual Assault. Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
- (c) Hazing. Hazing means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
- (d) Disorderly conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups of individuals;
- (e) Obstruction of or interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional activity, program, event or facilities, including the following:
 - 1. Any unauthorized occupancy of institution or institutionally controlled facilities or blockage of access to or from such facilities.
 - 2. Interference with the right of any institution member or other authorized person to gain access to any institution or institution controlled activity, program, event or facilities.
 - 3. Any obstruction or delay of a campus security officer, fireman, or any institution official in the performance of his/her duty.
- (f) Misuse of or damage to property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the institution including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices; and any such act against a member of the institution community or a guest of the institution;
- (g) Theft, misappropriation or unauthorized sale. Any act of theft, misappropriation, or unauthorized possession or sale of institution property or any such act against a member of the institution community or a guest of the institution;
- (h) Misuse of documents or identification cards. Any forgery, alteration of or unauthorized use of institution documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;
- (i) Weapons are not allowed on property owned or operated by Tennessee Tech. State law prescribes a maximum penalty of six (6) years imprisonment and a fine not to exceed \$3000.00 for having weapons on school property. Violation of this law is a felony. Even individuals with handgun permits may not bring handguns on property owned or operated by Tennessee Tech.

(Rule 0240-3-6-.02, continued)

- (j) Explosives, fireworks and flammable materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
 - (k) Alcoholic beverages. The use and/or possession of alcoholic beverages on University owned or controlled property;
 - (l) Drugs. The unlawful possession or use of any drug or controlled substance (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), or sale or distribution of any such drug or controlled substance;
 - (m) Gambling. Gambling in any form.
 - (n) Financial irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or to a member of the institution community acting in an official capacity;
 - (o) Unacceptable conduct in hearings. Any conduct at an institutional hearing involving contemptuous, disrespectful, or disorderly behavior, or the giving of false testimony or other evidence at any hearing;
 - (p) Failure to cooperate with institutional officials. Failure to comply with directions of institutional officials acting in the performance of their duties;
 - (q) Entertaining members of the opposite sex. Entertaining members of the opposite sex in the residence halls except as provided for by the observance of Open House and Residence Hall Visitation.
 - (r) Attempts and aiding and abetting the commission of offenses. Any attempt to commit any of the foregoing offenses, or the aiding and abetting of the commission of any of the foregoing offenses (an "attempt" to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission).
 - (s) Violation of state or federal laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
- (3) Disciplinary action may be taken against a student for violations of the foregoing Regulations which occur on institutionally owned, leased, or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with or obstructs any institutional activity or the missions, processes and functions of the institution. In addition, disciplinary action may be taken on the basis of any conduct, on or off-campus, which poses a substantial threat to persons or property within the institutional community.
- (4) For the purposes of these Regulations, a "student" shall mean any person who is registered for study at the University for any academic period. A person shall be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period, and during any period while the student is under suspension from the institution.

(Rule 0240-3-6-.02, continued)

Authority: T.C.A. §§49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed January 11, 2002; effective May 31, 2002.

0240-3-6-.03 ACADEMIC AND CLASSROOM MISCONDUCT.

- (1) The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct violative of the general rules and regulations of the institution. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of the institution.
- (2) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination, or to assign an F in the course.
- (3) If the student believes that he or she has been erroneously accused of academic misconduct, and if his or her final grade has been lowered as a result, the student may appeal the case through the appropriate institutional procedures.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New Rule Filed April 28, 1983; effective July 13, 1983.

0240-3-6-.04 DISCIPLINARY SANCTIONS.

- (1) Upon a determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in these Regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate Institution Officials.
- (2) Definition of Sanctions.
 - (a) Restitution. A student who has committed an offense against property may be required to reimburse the institution or other owner for damage to or misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement
 - (b) Warning. The appropriate institutional official may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action.
 - (c) Reprimand. A written reprimand, or censure, may be given any student or organization whose conduct violates any part of these Regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies to the student that he or she is in effect being given another chance to conduct himself or herself as a proper member of the institution community, but that any further violation may result in more serious penalties.
 - (d) Restriction. A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to represent the

(Rule 0240-3-6-.04, continued)

institution in any way, denial of use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges.

- (e) Probation. Continued enrollment of a student on probation may be conditioned upon adherence to these Regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of these Regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.
 - (f) Suspension. If a student is suspended, he or she is separated from the institution for a stated period of time with conditions of readmission stated in the notice of suspension.
 - (g) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's readmission to the institution.
 - (h) Interim or summary suspension. Though as a general rule, the status of a student accused of violations of these Regulations should not be altered until a final determination has been made in regard to the charges against him, summary suspension may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, or of any other member of the institution community or its guests, destruction of property, or substantial disruption of classroom or other campus activities. In any case of immediate suspension, the student shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension, and if there are disputed issues of fact or cause and effect the student shall be provided a hearing on the suspension as soon as possible.
- (3) The President of the University is authorized, in his or her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.
- (4) General Rules Pertaining to Disciplinary Sanctions.
- (a) Disciplinary Probation and Suspension must be assigned for a definite period of time and must be assigned to coincide with the academic semester in the University calendar. All sanctions must become effective immediately upon completion of all appellate procedures.
 - 1. At a certain time within each academic semester, policy permits a council to recommend a delay of the Suspension until the end of that term provided that continued enrollment is not a danger to the University.
 - 2. If it is the Council's intent to assign a full semester of Disciplinary Probation and there are only one or two weeks remaining in the present semester, generally the Probation will be assigned for the remainder of the present semester and the next semester.
 - (b) If it is known that a student will not be enrolled during the next semester, e.g., Summer Semester, then Probation may be assigned for that semester plus an additional semester. A student, even though he is not enrolled at the University for the semester in question, may be on Probation for that semester since he is still subject to certain regulations of the University.
 - (c) Disciplinary Probation may involve loss of participation in extracurricular activities and/or loss of certain awards, loans, etc. These added stipulations to the Probation should only be assigned under very specific circumstances as described below.

(Rule 0240-3-6-.04, continued)

1. If a student has engaged in a violation of University Regulations in order to obtain a loan or an award or a scholarship, then the loss of those awards or monies may be part of the recommended sanction.
 2. The loss of participation in extracurricular activities should be assigned only when that extracurricular activity was involved with or closely related to the infraction.
- (d) Under present procedures, Disciplinary Probation does not require that a student report periodically to any office of the University unless specifically requested to do so as a condition of the Probation. A Council assigning the sanction may consider the addition of such a condition if the Probation is to run more than one term and if the Council feels that the student would need a reminder and a reinforcement of the conditions of the Probation period.
- (e) With the exception of Disciplinary Probation, loss of privilege and restitution, the sanctions are generally not repeatable. For example, once a person has received a Disciplinary Warning, he would probably not receive another Disciplinary Warning if he is involved in additional violations. Also, once a student is suspended from the University, if he returns and is involved in a violation of regulations, then he could possibly receive a more severe sanction. Loss of privilege and restitution as additions to other sanctions may be repeated as often as necessary.
- (f) Readmission Procedures for Students under Disciplinary Suspension. Suspension is assigned for a specified period of time and excludes the student from registration, class attendance, residence on campus, and use of University facilities. When the period of suspension is terminated, the student is considered for registration in compliance with academic standards then in effect.
1. The student is required to submit an Application for Readmission form either in person or by mail.
 2. The student is required to submit a personal letter of application to the Dean of Students.
 - (i) Reasons why he feels he should be reinstated;
 - (ii) In detail, the nature of the individual's activities since being separated from the University; and
 - (iii) The reasons why the individual believes he would be able to abide by the rules and regulations of the University if he is permitted to reenroll.
- (g) If a student is found guilty of a charge, precedents (sanctions that have been assigned in similar cases in the past) should be given considerable weight in assigning a sanction unless there are very special circumstances that make the case different from those that have received the precedent sanction.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 28, 2000; effective June 28, 2000.

0240-3-6-.05 DISCIPLINARY PROCEDURES.

- (1) Parental Notification Policy

(Rule 0240-3-6-.05, continued)

Policy

In addition to other disciplinary action, the Dean of Students reserves the right to notify parents or the legal guardian(s) of students who are under the age of twenty-one (21) when those students have been found responsible for alcohol and drug related violations of the Tennessee Technological University rules and regulations when it is believed that such behavior poses a threat, either by the severity or repetitive nature of the behavior to the welfare of that student or others in the community.

It will be at the discretion of the Dean of Students to implement the parental notification policy.

Examples of Behaviors (but not limited to) that will trigger the policy.

The Office of the Dean of Students will notify parents/legal guardian(s) of students under the age of twenty-one (21) when a student is found responsible for:

- (a) A violation of our drug policy;
- (b) A second violation of the alcohol policy;
- (c) The first violation of our alcohol policy when one or more of the following occurs:
 - 1. The student operates a motor vehicle under the influence of alcohol;
 - 2. Medical attention to any person, including the student, is required as a result of the student's alcoholic behavior;
 - 3. The violation involved an arrest;
 - 4. The violation involved harm or a threat of harm to the student, other persons and/or campus property;
 - 5. The student's alcohol-related behavior negatively impacts the learning environment.

Whenever possible, the student will be informed in advance that the parents or legal guardian(s) will be notified. Students will be offered the opportunity to contact their parents before the University does. Such direct contact is encouraged.

It will be at the discretion of the Dean of Students to implement the parental notification policy. The University recognizes that in cases where abusive or dysfunctional family situations exist, notification could be counterproductive or could present a danger to the student's well being.

Other Situations

In addition, the parents or legal guardian(s) of students may be contacted in any instance in which the health or safety of the student has been threatened either through the student's own acts or the acts of others.

- (2) Student Due Process.
 - (a) Judiciary procedures at this University do not constitute legal actions, nor are the decisions to be equated with verdicts reached by courts of law. These procedures simply involve the fact-finding and decision-making processes of an educational institution. The scope of the power of the judiciary bodies of this University is limited to that action necessary to control conduct so as

(Rule 0240-3-6-.05, continued)

to ensure the continuance of an academic environment. The basic need for prompt and just decisions is supported by a process that provides for "fair play," which is the basic element of due process.

- (b) Tennessee Technological University, in the implementation of Board approved policies and regulations pertaining to discipline and conduct of students, shall ensure the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law.
 - (c) In accordance with University policy governing discipline, the following minimal procedures shall be observed:
 - 1. The student shall be advised of the time and place of the hearing.
 - 2. The student shall be advised of the breach of regulations of which he is charged.
 - 3. The student shall be advised of the following rights: (i) the right to present his case; (ii) the right to be accompanied by an adviser, (iii) the right to call witnesses in his behalf; and (iv) the right to confront witnesses against him.
 - 4. The student shall be advised of the judiciary alternatives.
 - 5. The student shall be advised of the method of appeal.
 - (d) In cases involving alleged sexual assault, both the accuser and the accused shall be informed of the following:
 - 1. Both the accuser and the accused are entitled to the same opportunity to have others present during a disciplinary proceeding; and
 - 2. Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.
- (3) University Disciplinary Procedures.
- (a) The Disciplinary System is a policy means of implementing adjudication procedures for any student accused of violating the rules and regulations which govern the behavior of all members of the University community. The Disciplinary System permits cases of alleged student misconduct, except for cases relating to academic and classroom misconduct, to be considered by the Dean of Students, the University Student Judicial Council, the University Judicial Council, or the Tennessee Uniform Administrative Procedures Act (TUAPA). Choice of hearing councils, other than the TUAPA, shall be assigned at the option of the student(s) except during periods when one council is not available, at which time the case(s) shall be referred to the available council by the Dean of Students.
 - (b) Tennessee Uniform Administrative Procedures Act. All cases which may result in (i) suspension or expulsion of a student from the institution for disciplinary reasons, or (ii) revocation of registration of a student organization during the term of registration are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act and shall be processed in accordance with the uniform contested case procedures adopted by the Board of Regents unless the student waives those procedures in writing and elects to have his or her case disposed of in accordance with institutional procedures established by these rules.

(Rule 0240-3-6-.05, continued)

- (4) Disciplinary Complaints. Dean of Students shall have responsibility for receiving complaints against any student from members and agencies of the University, from local and state agencies, and from the general citizenry. Complaints which appear to be substantially indicative of a violation of University rules and regulations shall be reason for the Director of Student Activities and Campus Life to charge the student.
- (5) Notice Of Charges.
 - (a) The student shall be informed of the charge(s) against him by the Office of the Dean of Students in writing sufficiently in advance of the hearing to afford a reasonable opportunity to prepare his/her defense. This notification is in the form of a letter either given to the student during a prehearing interview or delivered by certified mail or campus certified mail if the student cannot be contacted by phone. In the latter case, the accused is required to contact the Office of the Dean of Students within a forty-eight (48) hour period after receipt of the charge(s) or the next full working day if the forty-eight (48) hour period ends on a weekend or holiday.
 - (b) The charges shall be composed of a statement of the violation(s) of University Rules and Regulations and a formal description of the alleged behavior, including time, date and place of occurrence if such information is available. The student also shall be informed of his rights, together with a statement of the hearing procedures and possible sanction.
- (6) Prehearing Interview.
 - (a) When a student is charged with the violation of University Rules and Regulations, a pre-hearing interview shall be conducted. The pre-hearing interview is a face-to-face interview with the student and shall be conducted unless the student is absent from campus. In the latter situation, the elements of the pre-hearing shall be presented both by correspondence and telephone.
 - (b) During the prehearing interview, the student:
 - 1. Shall receive the charges against him providing the charges were not set by mail;
 - 2. Shall have the charges explained, in terms of date, times, incidents, and evidence;
 - 3. Shall have the disciplinary system of the University explained, including a complete explanation of the sanctions and the procedures for disciplinary hearings, his rights and privileges during hearings and the procedures for appeal or review;
 - 4. Shall receive a copy and explanation of the University Disciplinary Rules and Regulations;
 - 5. Shall be asked to sign a statement indicating receipt of the above document (or the receipt shall be witnessed);
 - 6. Shall be informed in writing of his rights to have his case heard by a hearing body and given the opportunity to request a council hearing in writing;
 - 7. May request, in writing, a hearing before the Dean of Students if he/she does not contest the validity of the charges made against him/her, and if he/she waives, in writing, a council or TUAPA hearing;

(Rule 0240-3-6-.05, continued)

8. Shall be informed of the approximate hearing date and of the method by which he/she will be contacted by the Office of the Dean of Students. (The student shall be informed that the Dean of Students shall be his/her contact for information on the status of his/her case.)
- (7) Prior to the Hearing.
- (a) The notification of the approximate hearing date should permit the student up to five (5) calendar days to prepare his/her defense and contact witnesses. The Dean of Students, in unusual cases, may grant an extension. A hearing may be held during the five (5) days if the student agrees and if a hearing council can be scheduled, with the exception of a TUAPA hearing. The Dean of Students will assist the student in producing witnesses when reasonable or obtaining statements from witnesses if the witnesses are members of the University community. The hearing shall be conducted in accordance with the procedures established in these rules. All reasonable attempts shall be made to provide a student with a minimum of twenty four (24) hours prior notification of the exact time, date, and place of the hearing. The student should have a reasonable opportunity to prepare a defense and contact witnesses.
 - (b) The Dean of Students shall determine whether the case will be referred to the Student Judicial Council or referred to the University Judicial Council.
- (8) Hearings Conducted by the Dean of Students.
- (a) Jurisdiction. The Dean of Students may hear personally a case against a student under the following conditions:
 1. The student must request in writing that the case be heard by the Dean of Students;
 2. The student must be informed in writing, and must waive in writing, his right to have the case heard by the Student Judicial Council or the University Judicial Council; and
 3. The student does not contest the validity of the charge(s) made against him.
 - (b) Sanctions. The Dean of Students may impose any sanction provided for in University sanctions; the sanction of expulsion shall be in the form of a recommendation to the President.
 - (c) Appeals. A student who wishes to appeal a decision and/or recommendation resulting from a hearing before the Dean of Students must submit a written request for an appeal within two (2) calendar days of receipt of the notification of the hearing results. Notification of the results of the appeal may either be given personally or by certified mail to the last known address as maintained by the Dean of Students.
- (9) Hearings Conducted by the University Student Judicial Council.
- (a) Composition.
 1. Composed of seven (7) student members with a quorum of five (5) members present.
 2. Each member to serve a term of one (1) year, renewable.
 3. Selected during spring semester from applications by a student committee.
 4. Members begin serving fall semester.

(Rule 0240-3-6-.05, continued)

5. Chairman to be elected from Council membership by the Council.
 - (b) Jurisdiction. The University Student Judicial Council shall have jurisdiction over cases of alleged violations of University rules and regulations referred to the Council by the Dean of Students. The jurisdiction of the University Student Judicial Council shall include:
 1. Cases where the accused student does not plead guilty to the charge(s);
 2. Cases where the accused student does not plead guilty but elects a council hearing;
 3. Cases where the accused student does plead guilty to the charge(s) but Dean of Students prefers that the case be heard by a hearing body.
 - (c) Sanctions. The University Student Judicial Council may recommend any sanction(s) provided for in University Sanctions. The recommendation(s) shall be forwarded to Dean of Students, as provided for in the Procedures for Appeal and Review.
 - (d) Appeals. A student who wishes to appeal the finding and/or recommendations of the University Student Judicial Council must submit a written request for an appeal within two (2) calendar days of receipt of the notification of the hearing results. Notification of the results of the appeal may either be given personally or by certified mail to the last known address as maintained by the Office of the Dean of Students.
- (10) Hearings Conducted by the University Judicial Council.
- (a) Composition.
 1. Composed of eight (8) faculty/administrative staff members with a quorum of five (5) members present,
 2. Each member to serve a term of three (3) years, renewable,
 3. Nomination of one (1) member from each College or school by the respective Academic Dean and nomination of one (1) member by the Vice President for Student Affairs.
 4. Chairman to be elected from Council membership by the Council each year.
 - (b) Jurisdiction. The University Judicial Council shall have jurisdiction over cases of alleged violations of University rules and regulations referred to the Council by Dean of Students. The jurisdiction of the University Judicial Council shall include:
 1. Cases where the accused student does not plead guilty to the charge(s);
 2. Cases where the accused student does not plead guilty but elects a council hearing;
 3. Cases where the accused student does plead guilty to the charge(s) but the Dean of Students prefers that the case be heard by a hearing body.
 - (c) Sanctions. The University Judicial Council may recommend any sanction(s) provided for in University Sanctions. The recommendation(s) shall be forwarded to Dean of Students, as provided for in the Procedures for Appeal and Review.

(Rule 0240-3-6-.05, continued)

- (d) Appeals. A student who wishes to appeal the findings and/or recommendations of the University Judicial Council must submit a written request for an appeal within two (2) calendar days of receipt of the notification of the hearing results. Notification of the results of the appeal may either be given personally or by certified mail to the last known address as maintained by the office of the Dean of Students.
- (11) Hearings Conducted under the "Tennessee Uniform Administrative Procedures Act".
- (a) Hearings conducted under the Tennessee Uniform Administrative Procedures Act shall be conducted in accordance with the uniform contested case procedures adopted by the Tennessee Board of Regents.
 - (b) The University shall be represented by a Director, appointed by the President, or by the Office of the General Counsel for the Tennessee Board of Regents. Any recommendation(s) made by the hearing body shall be forwarded directly to the President of the University. A student who wishes to appeal the findings and/or recommendation of the hearing body must submit his written appeal to the President of the University.
- (12) Computation of Time.
- (a) When a period of time is referred to in these rules, such period in all cases shall be so computed as to exclude the first and include the last day of such period.
 - (b) Whenever the last day of any such period shall fall on Saturday or Sunday or an established University holiday, such days shall be omitted from the computation.
 - (c) The end of the University business day on the last day of any time period shall be computed as the end of that day.
- (13) University Procedures for Hearings.
- (a) The hearing shall be conducted in such a manner as to do substantial justice and shall not be restricted unduly by rules of procedure or evidence. Evidence not directly related to the matter at hand will not be considered.
 - (b) The hearing shall be private unless the student charged requests that it be open to members of the University community. The Chairman of the Council shall determine the number of persons to be admitted to the hearing. Under no circumstances shall the hearing be open to more than the normal capacity of the typical hearing room.
 - (c) After the Chairman has called the hearing to order, no one will be permitted to enter the hearing room for the remainder of the hearing with the exception of witnesses as called. In no case shall a witness be permitted to attend the hearing except to give testimony.
 - (d) The accused student may challenge any member of the Council on grounds of prejudice. The Council shall deliberate in private and determine, by majority vote (excluding the member being challenged), whether the member should be replaced by an alternate Council member to be designated by the Chairman.
 - (e) If the Council is less than the number which constitutes a quorum, the accused student may agree to proceed with the hearing by a short council or if the student does not agree, the hearing will be delayed or rescheduled.

(Rule 0240-3-6-.05, continued)

- (f) The student shall have the right to be assisted by an adviser of his choice who must be an administrative official, a faculty member or a student of the University. The adviser, upon request of the student, may:
 - 1. Advise the student in preparation and presentation of his defense;
 - 2. Accompany the student at all disciplinary hearings, and
 - (i) Make an opening and/or closing statement in conjunction with, but not substitution for, the opening and closing statement of the accused student;
 - (ii) May assist the accused student in questioning the witness;
 - (iii) May address questions of procedure to the chairman to the extent that these questions do not interfere with the orderly proceeding of the hearing;
 - (iv) May request a five (5) minute recess to confer in private with the accused student. (Recesses will be permitted to the extent that they do not unnecessarily prolong, or interfere with the orderly proceedings of the hearing);
 - (v) May challenge inappropriate and irrelevant questions; and
 - 3. Advise the student in the preparation of appeals.
- (g) The adviser shall not (i) assume responsibility for conducting the defense of the accused student; or (ii) interfere, prohibit or discourage the answering of questions by the accused student or by witnesses.
- (h) On behalf of the University, the charges and evidence may be presented by the Dean of Students or by a person designated by the Vice President for Student Affairs. At the end of the statement of charges, the accused student has the right to make an opening statement or explanation.
- (i) The student shall have the right to call a reasonable number of witnesses in his/her own behalf, who shall be subject to questioning by members of the Council, or by Dean of Students or by another person designated by the Vice President for Student Affairs.
- (j) The student charged shall have the right to question all witnesses.
- (k) The testimony of unknown or unidentified witnesses shall not be admissible.
- (l) The Council may address questions to any party or to any witness called by the parties. The Council shall limit the scope of the testimony to matters relevant to the charges and defense thereto. The Council and/or the accused student may request that Dean of Students require the presence, at the hearing, of any member of the University community, including the accused person. The Council and/or the accused student also may request the Dean of Students to require the production of records or other exhibits. If any person, including the student charged and/or his/her adviser, disrupts the hearing, the Chairman of the Council shall exclude that person and proceed with the hearing in his/her absence.
- (m) The accused student has the right to request a five (5) minute recess to confer in private with the adviser. Recesses will be permitted to the extent that they do not unnecessarily prolong or interfere with the orderly proceedings of the hearing.

(Rule 0240-3-6-.05, continued)

- (n) After all the witnesses have been heard, the person presenting the charges, the accused and his adviser shall be given an opportunity to present a brief final summation of the particulars of the case. If the summations raise additional questions or contain obvious inaccuracies, the inaccuracies may be challenged by the Chairman or the Council members at the discretion of the Council and, upon request, by the person presenting the charges or the accused and his adviser.
 - (o) The accused student shall be informed that the Council will deliberate in private session and will reach a decision based on the testimony and evidence presented and that he/she will be notified of the Council's decision by the Dean of Students.
- (14) Deliberations by the Hearing Council.
 - (a) Deliberations by the Hearing Council shall take place in private session.
 - (b) The Chairman shall instruct the members of the Council that they must only consider the evidence and testimony presented at the hearing. The Chairman shall specify any testimony which must be deleted from consideration. The council may ask the Chairman to restate any rulings on procedure and evidence that he has made.
 - (c) The University shall have the burden of proof of guilt by clear and convincing evidence.
 - (d) No recommendation for the imposition of sanctions shall be based solely upon the failure of the person charged to answer the charges. In the event of the refusal of the accused person to appear at the hearing, the evidence in support of the charges shall be presented, considered and adjudicated.
 - (e) The Chairman shall indicate that a decision must be made (in a contested case) as to the guilt or innocence of the accused before Council consideration of the accused's previous record and before the imposition of sanction.
 - (f) Guilt or innocence shall be determined by vote of the Council.
 - (g) If there is a decision of guilt or if the case is not contested, then the person presenting the charges shall be asked to return and disclose the behavior record of the student to the Council, and the Council shall be made aware of the precedent for that particular type of violation for similar types of conduct.
 - (h) The sanction to be imposed shall be determined by vote of the Council.
- (15) The Council Chairman's Report of Proceedings.
 - (a) The Chairman should prepare a report of the proceedings which includes:
 - 1. The notice of charges and other hearing documents;
 - 2. The Council's decision on the guilt or innocence of the accused relative to the charges;
 - 3. The recommended sanctions and conditions;
 - 4. A summary of the accepted testimony and evidence leading to the Council's decision;

(Rule 0240-3-6-.05, continued)

5. The findings of the Council;
 6. A rationale for any sanction imposed including precedent, past behavior record, and any other considerations used in imposing the sanction; and
 7. A brief listing of any important procedural rulings by the Chairman or the Council.
- (b) This report shall be forwarded to the Office of the Dean of Students where the student shall be informed of the findings of the Council and the status of his/her case.
 - (c) The student shall have two (2) calendar days in which to request an appeal of the case. If there is no request for an appeal within two (2) calendar days, the Dean of Students shall implement the recommendation(s) of the hearing body.
 - (d) The student shall be notified in writing of the results of the hearing and the sanction(s) imposed upon him. The Vice President for Student Affairs and the student's academic departmental chairman shall also be notified of the sanction(s) imposed. In cases of separation from the University, a written notice shall also be given to the President of the University, and a hold shall be placed on the student's registration.
- (16) Rehearings by a Council. The hearing body of original jurisdiction may grant a new hearing if a student files a written application for a new hearing within ten (10) calendar days of receipt of the notification of the hearing results specifically alleging newly discovered evidence.
- (17) Confidentiality of Council Hearings.
- (a) The integrity of the confidentiality of any particular student case must be maintained.
 1. Hearing council members must never discuss a case outside a hearing council meeting, and all materials relevant to a case should be turned over to the Chairman at the end of each hearing meeting.
 2. The names of students appearing before hearing bodies are not to be released even though the hearing may be open in accordance with the charged student's wishes.
 3. No information is to be released for publication except through approved procedures of policy which govern release of information.
 4. All case records are maintained in confidential case files in the Office of Dean of Students. The status of a particular Council case will be released by the Office of the Dean of Students to the Chairman of that Council upon request. The Dean of Students may release information concerning the status of a disciplinary case to persons involved in the case. These persons may include the accuser, the accused, the Student Affairs staff, and other appropriate University officials.
- (18) Procedures for Appeal or Review.
- (a) A student may request an appeal to the Vice President for Student Affairs from the findings and/or recommendations of the University Student Judicial Council, or University Judicial Council, or from the decision of the Dean of Students. The Vice President for Student Affairs' disposition of an appeal may be further appealed to the President of the University. The President of the University will consider the first appeal from the findings and/or recommendations of a hearing as provided under the Tennessee Uniform Administrative

(Rule 0240-3-6-.05, continued)

Procedures Act (TUAPA). The student must notify the Dean of Students in writing within two (2) calendar days of receipt of the notification of the decision of the hearing body, Dean, or Vice President of his/her desire to appeal.

- (b) A student may request an appeal on one or more of the following grounds:
 - 1. The student has been deprived of his rights as defined herein;
 - 2. The facts appear to be insufficient to establish his guilt; and
 - 3. The sanction(s) recommended by the hearing body was not justified by the nature of the offense.
- (c) When the recommended sanction(s) includes separation from the University, the appeal shall be accepted for review. In other cases, determination of whether an appeal shall be accepted for review shall rest with the Vice President for Student Affairs (or the President in cases appealed to him). The student shall be informed by the Vice President for Student Affairs (or the President) as to whether his appeal has been accepted for review. If his appeal has been accepted for review, the student may appear before the Vice President or President to state his case.
- (d) The decision resulting from an appeal to the Vice President for Student Affairs shall be sent to the Dean of Students for disposition. The Dean of Students shall either implement the decision or, in the event of further appeal, transmit the case, and all case materials, to the President of the University. The Dean of Students shall notify the student of the status of his/her case.
- (e) The Dean of Students may request a review of the findings and/or recommendation(s) of the University Student Judicial Council or the University Judicial Council by the Vice President for Student Affairs.
- (f) The Dean of Students may request a review of a disciplinary case on one or both of the following grounds:
 - 1. The findings of the council do not adequately account for all available evidence; or
 - 2. The recommendation(s) of the council does not provide for adequate penalty for the offense.
- (g) The Dean of Students shall notify the student that he/she has requested a review of his/her case by the Vice President for Student Affairs.
- (h) Determination of whether a case shall be reviewed shall rest with the Vice President for Student Affairs. If the case is to be reviewed, the student may be present to state his case.
- (i) The decision resulting from a request for review to the Vice President for Student Affairs shall be sent to the Dean of Students for disposition. The Dean of Students shall either implement the decision or transmit the case, and all case materials, to the President of the University with a second request for review. The Dean of Students shall notify the student of the status of his/her case.

If the Vice President or the President receives an appeal from the student and a request for review from the Dean of Students concerning the same case, the Vice President or President

(Rule 0240-3-6-.05, continued)

shall accept the case for review and shall conduct a hearing of the case in accordance with the University Procedures for Disciplinary Hearings.

(19) Student Disciplinary Records.

- (a) Disciplinary records or notations are maintained by the Office of Dean of Students. The individual disciplinary file contains the report of proceedings, sanctions, rationale, case dispositions, original complaints, statement or charges, etc.
- (b) Accessibility to disciplinary records is limited and follows the University Policy on Confidentiality of Student Records. A student may have access to his disciplinary records at any time provided that he can properly identify himself and provided that the record is not removed from the office.
- (c) Records may be released on a “need to know” basis to the faculty, administrative staff, and other authorized employees of the University. Information from records may be released to other agencies and individuals when the student signs for the release of such information. However, under these circumstances, the full contents of the disciplinary folder are not turned over to the inquiring agency or individual unless specifically authorized by the student. The information released is restricted to that which applies to the explained purpose of the request and in accordance with policy.
- (d) Records are released under judicial order or when properly subpoenaed. Records are released under these conditions only after the subpoena and court order have been examined and there has been a conference with appropriate University officials. Efforts will be made to give advance notice to the student of such an order before compliance by the University.

Authority: T.C.A. §§49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004.

0240-3-6-.06 ACADEMIC MISCONDUCT DISCIPLINARY PROCEDURES.

(1) Classroom Instructor’s Responsibilities and Jurisdiction.

- (a) The instructor, after informing the student of the charge of academic misconduct and of his right to a hearing, shall send a copy of the charge to the Office of the Vice President for Student Affairs. (Request for Hearing forms are available to the Student in the Office of the Vice President for Student Affairs.)
- (b) The instructor may request a hearing before the University Academic Misconduct Committee if he/she believes that sanctions beyond an “F” or “zero” for the exercise or examination or an “F” in the course are warranted.
- (c) The Vice President for Student Affairs shall inform the instructor if the student has not signed a Request for Hearing form within seven (7) days or has signed a Waiver of Hearing form. The instructor may then assign an “F” or “zero” for the exercise or examination or an “F” in the course.

(Rule 0240-3-6-.06, continued)

- (d) If the student has requested a hearing before the College Academic Misconduct Committee, and the Committee agrees that the evidence supports the charge, the instructor has the authority to assign an 'F' or "zero" for the exercise or examination or to assign an "F" in the course.
 - (e) If the student is instructed to appear before the University Academic Misconduct Committee, and the Committee agrees that the evidence supports the charge, the instructor has the authority to assign an "F" or a "zero" for the exercise or examination or an "F" in the course. The University Academic Misconduct Committee may impose additional sanctions.
 - (f) If the deadline for submission of grades to the office of Admissions and Records occurs prior to the time given to the student to sign the Waiver of Hearing form or prior to the meeting of the College Academic Misconduct Committee or the meeting of the University Academic Misconduct Committee, the instructor shall enter a grade of "I" which is to be removed by the end of the subsequent quarter.
- (2) College Academic Misconduct Committee.
- (a) Jurisdiction.
 - 1. Upon the request of the student, a case of alleged academic misconduct shall be assigned to the College Academic Misconduct Committee from the academic unit in which the alleged offense occurred, except in cases referred to the University Academic Misconduct Committee.
 - 2. A College Academic Misconduct Committee shall be established in each of the following academic units.
 - (i) College of Agriculture and Home Economics;
 - (ii) College of Arts and Sciences;
 - (iii) College of Business Administration;
 - (iv) College of Education (including ROTC and Crafts Center);
 - (v) College of Engineering;
 - (vi) School of Nursing.
 - 3. Upon the request of the student, the College Academic Misconduct Committee shall provide a hearing for the student charged with academic misconduct by an instructor prior to the assigning of an "F" or a "zero" for the exercise or examination or an "F" in the course.
 - 4. The College Academic Misconduct Committee shall provide a hearing solely to determine guilt or innocence.
 - (b) Membership.
 - 1. The College Academic Misconduct Committee of each unit, except for the School of Nursing, shall consist of one (1) faculty member from each department within the unit,

(Rule 0240-3-6-.06, continued)

elected for a three (3) year term by the department, and one (1) student and one (1) student alternate majoring within the academic unit nominated by the President of the Student Government Association and appointed by the President of the University for a one (1) year term. The College Academic Misconduct Committee for the School of Nursing shall consist of three (3) faculty members elected for three (3) year terms and one (1) student and one (1) student alternate nominated by the President of the Student Government Association and appointed by the President of the University for a one (1) year term.

2. A quorum shall consist of three (3) members including the Chairperson of the College Academic Misconduct Committee, the faculty representative from the department in which the alleged offense occurred and the student representative or student alternate. In cases where a member of the College Academic Misconduct Committee is charging a student with academic misconduct, the alternate faculty member elected by the department for a three (3) year term shall serve on the College Academic Misconduct Committee. In cases where the Chairperson of the College Academic Misconduct Committee is charging a student with academic misconduct, he/she shall assign another member of the College Academic Misconduct Committee to serve as Chairperson.
3. The College Academic Misconduct Committee Chairperson shall be elected annually by the Committee members.

(c) Support Services.

1. The Office of the Vice President for Student Services shall provide the support services for the College Academic Misconduct Committee.
2. The Office of the Vice President for Student Affairs shall provide the support services for the College Academic Misconduct Committee.

(d) Student's Responsibilities and Rights.

1. The student shall be given up to seven (7) calendar days to request a hearing by signing a Request for Hearing form. This form is available in the Office of the Vice President for Student Affairs.
2. The student shall waive his/her right to a hearing by signing a Waiver of Hearing form, also available in the Office of the Vice President for Student Affairs, or by failing to sign a Request for Hearing form within seven (7) calendar days after being informed of the charge by the instructor.
3. A hearing before the College Academic Misconduct Committee shall be conducted in accordance with the University procedures for Disciplinary Hearings.

(3) University Academic Misconduct Committee.

(a) Jurisdiction.

1. The University Academic Misconduct Committee shall hear cases of academic misconduct when sanctions may be warranted other than the temporary exclusion by an instructor from the class and/or the assigning of an "F" or a "zero" for an examination or exercise or an "F" in the course.

(Rule 0240-3-6-.06, continued)

2. The instructor may request that the case be heard by the University Academic Misconduct Committee.
 3. The Office of the Vice President for Student Affairs may request that the case be heard by the University Academic Misconduct Committee including but not limited to cases where the student has been found guilty on another occasion of academic misconduct.
- (b) Membership.
1. The University Academic Misconduct Committee shall consist of the chairperson of each College Academic Misconduct Committee and one (1) student and one (1) student alternate nominated by the President of the Student Government Association and appointed by the President of the University for a one (1) year term.
 2. A quorum shall consist of five (5) members, including the Chairperson of the University Academic Misconduct Committee, the representative from the college in which the alleged offense occurred, and the student representative or the student alternate.
 3. In cases where the college chairperson is making the charge against the student, the alternate member from the department shall serve on the University Academic Misconduct Committee.
 4. In cases where the Chairperson of the University Academic Misconduct Committee is making the charge against the student, he/she shall appoint another member from the University Academic Misconduct Committee to serve as chairperson.
 5. The Chairperson of the University Academic Misconduct Committee shall be elected annually by the Committee.
- (c) The Office of the Vice President for Student Affairs shall present the case to the University Academic Misconduct Committee.
- (d) Support Services.
1. The Office of the Vice President for Student Affairs shall provide the support services for the University Academic Misconduct Committee.
 2. The Office of the Vice President for Student Affairs shall notify the Chairperson of the University Academic Misconduct Committee when a hearing is necessary and shall, after consultation with the chairperson, notify the student and committee members of the date, place, and time of the meeting.
 3. A hearing before the College Academic Misconduct Committee shall be conducted in accordance with the University procedures for Disciplinary Hearings.
- (e) A hearing before the University Academic Misconduct Committee shall be conducted in accordance with the University Procedures for Disciplinary Hearings.
- (4) "Tennessee Uniform Administrative Procedures Act".
- (a) In all cases which may result in suspension or expulsion from the University, a program, or a course for academic misconduct or an assignment of a grade which results in the grade of "F" in a course for academic misconduct, a student who contests the charge of academic misconduct

(Rule 0240-3-6-.06, continued)

may elect to have the case disposed of under the Tennessee Uniform Administrative Procedures Act in accordance with the uniform contested case procedures adopted by the Tennessee Board of Regents or under the University procedures established by these rules.

- (b) A student accused of academic misconduct who elects to have the case disposed of under the University procedures established by these rules shall execute a written waiver of his/her right to a disposition of the case under the "Tennessee Uniform Administrative Procedures Act".

Authority: T.C.A.. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983; New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000.

0240-3-6-.07 TRAFFIC AND PARKING REGULATIONS.

(1) General Information.

- (a) These regulations were established through the cooperative endeavors of the Student Government Association, Committee on Traffic and the administrative officials of the University.
- (b) The University reserves the right to regulate the use of motor vehicles on the campus and to forbid the use of a motor vehicle by any person whose conduct in any way indicates that he/she is not complying with the University regulations. The observance of these rules and regulations is indicative of good citizenship on the part of the student or employee of the University. In addition, all federal, state and local laws governing the operation of a motor vehicle must be observed.
- (c) The University assumes no financial responsibility for theft or damage to motor vehicles or their contents when the vehicles are parked or operated on the campus, or elsewhere.
- (d) The registrant of a motor vehicle shall be held responsible for all parking citations issued against the vehicle. Moving violations will be charged to the operator of the vehicle.
- (e) The use of loud mufflers or other unusual noise-making devices on motor vehicles is not permitted on campus.
- (f) Stop signs, signals, crosswalks and other regulator devices will be observed at all times. Pedestrians shall have the right of way at all designated crosswalks and campus street intersections.
- (g) A citation for a traffic violation should not be discussed with the police officer as he has no authority to settle the matter(s) once a ticket has been issued. Such matter should be taken directly to the Safety and Security office.
- (h) A student's possession and use of a motor vehicle on the campus is a privilege which may be revoked for reasons by designated University officials. Such reasons may include:
 - 1. Possession or use of alcoholic beverages or drugs while operating a vehicle.
 - 2. Irresponsible operation of a vehicle.
 - 3. Leaving the scene of an accident.

(Rule 0240-3-6-.07, continued)

4. Failure to report an accident involving personal injury or property damage.
5. Excessive violations of regulations.
6. Falsifying vehicle registration or gaining such registration under false pretense.

(2) Parking Regulations.

- (a) The University parking lots are divided into six (6) different areas, color-coded on the map contained in the TTU Parking Regulations brochure. These areas have been established to provide convenience to the maximum number of University members and to keep intra-campus traffic to a minimum.
- (b) Parking areas are marked by color-coded signs that match the color-coded permits indicating the area in which the particular vehicle may be parked. Vehicles parked outside these areas will be cited for illegal parking.
- (c) Parking restrictions in the color-coded areas are effective from 7:45 a.m. to 4:30 p.m., Monday through Friday, except when school is officially out of session. (School is officially in session the first day of registration and is officially out the day of Commencement.) Tech Village parking restrictions are enforced on a 24-hour-a-day basis. Visitors may park in the area of the Tech Village Community Center
- (d) Parking spaces marked for the President, head resident, campus police and disabled are reserved on a 24-hour basis each week. Visitors and 30 minute parking spaces are effective from 7:45 a.m. to 4:30 p.m. each day that the University is officially open, except women's dorms where 60 minute parking is in effect daily from 7:30 a.m. until 12:00 midnight.
- (e) At no time are motor vehicles to be parked where curbs, sidewalks, or crosswalks are marked by yellow painting. Likewise, vehicles are to be parked within marked stalls and not to protrude into another stall or marked space. Vehicles are not permitted to back into parking spaces.
- (f) Disabled vehicles will not be allowed to remain on campus beyond a reasonable time, not to exceed thirty (30) days, and will be removed by University Police at the owner's expense.
- (g) Although meters no longer accept change, this area is considered thirty-six (36) minute parking. Vehicles parked longer than thirty-six (36) minutes at metered parking will be charged overtime. Metered parking is enforced for 7:45 a.m. to 4:30 p.m., Monday through Friday, except when school is officially out. Unregistered vehicles are not permitted to park at meters. It shall not be permitted for the owner or operator of a vehicle to park or allow his or her vehicle to be parked in a parking space regulated by a meter for more than the maximum period of time: thirty-six (36) minutes.
- (h) Motorcycles should park in spaces marked for motorcycles and should park in their assigned lot.
- (i) Trailers, boats, and similar vehicles will not be parked anywhere on campus without specific approval of the Director of Tennessee Tech Police Department, in such spaces that may be designated.

(Rule 0240-3-6-.07, continued)

- (j) Any vehicle bearing a valid Tennessee Tech parking permit may park in the "Open Parking" lots located at various locations as detailed in the color-coded map in this brochure.
 - (k) Vehicles will be removed from campus streets, parking lots or other areas when parked in violation of these regulations or left in such a way as to create a safety hazard to persons or property. Vehicles which cannot be identified may be restrained by a wheel lock or towed away. The cost of removal will be paid by the registrant or owner.
 - (l) Vehicles blocking dumpsters, fire lanes, wheelchair ramps, sidewalks or parked in driveways in such a manner that would obstruct the traffic flow or block a parked vehicle will be cited for illegal parking or removed.
 - (m) Visitors' parking spaces are reserved for persons visiting the campus on official business; therefore, vehicles bearing University decals or operated by faculty, staff and students of the University are not permitted in these spaces between 7:45 a.m. and 4:30 p.m., Monday through Friday.
 - (n) Students, faculty and staff who have physical disabilities may request a special permit from Health Services in order to park as near their classrooms or work area as possible. Persons with handicapped permits may park in visitor or 30 minute parking spaces and faculty, staff and student lots.
 - (o) All vehicles bearing west dorm parking permits must park in the designated parking lots. This includes head residents of west dorms.
 - (p) Vehicles bearing commuter permits will park only in the commuter parking lots. All students in Tech Village must display a valid parking permit on their vehicles. The parking permit will be orange in color. When parking on the Tennessee Tech campus, the Tech Village residents are allowed to park in the commuter and open parking lots.
 - (q) All vehicles bearing east dorm parking permits must park in the parking lot on the east side of the east dormitories or in the designated parking lot. This includes head residents of east dorms.
 - (r) Each visitor operating a vehicle on campus must abide by all rules and regulations even though the person is not a student or employee.
 - (s) In case of flagrant or repeated parking violations resulting in the removal of a vehicle from the campus, the owner or registrant shall pay the removal costs.
- (3) Traffic Regulations.
- (a) The speed limit on campus is 15 miles per hour, except where otherwise posted. Speeding or improperly operating a vehicle (squealing tires, sliding the vehicle, etc.) are serious safety hazards, and persons responsible will be cited for the violation.
 - (b) Speeding and/or reckless driving on the campus is a violation of safety standards. Violators will be disciplined and/or prosecuted.
 - (c) Passing another vehicle which is moving at normal speed on campus streets and drives is prohibited.

(Rule 0240-3-6-.07, continued)

- (d) All vehicles must come to a complete stop at intersections where stop signs are located, painted on the street, or mounted on a post.
 - (e) Motorists must yield right-of-way to pedestrians.
 - (f) Vehicles must pull over, come to a complete stop and yield right-of-way to all emergency vehicles with flashing lights.
- (4) General Regulations
 - (a) Bicycles and Mopeds must use the extreme right side of the roadways and streets and obey all traffic signals and signs. They will not be taken into buildings or parked on sidewalks or within areas where they will interfere with pedestrians or motor vehicles traffic. Students are encouraged to use bicycle racks located conveniently about the campus. Bicycles may be registered with the Tennessee Tech Police Department.
- (5) Motor Vehicle Violations and Penalties.
 - (a) Violations of the motor vehicle regulations will subject the registrant, owner, or violator to a penalty and/or disciplinary action. The following examples indicate the types of violations that will be penalized but are not considered "all inclusive."
 - 1. Registration - Vehicles not registered; permit not properly affixed; unauthorized possession of registration decal; falsification of registration information.
 - 2. Parking - In areas not assigned for parking, reserved spaces, no parking zones, or service drive; in hazardous position; within twenty-five feet of a fire hydrant or on grassed areas.
 - (b) Penalties
 - 1. Registration Violations
 - (i) Permit not properly affixed or displayed while parked in an unassigned area. (Does not include the \$20.00 fine which will be progressive for parking in unassigned area) - \$25.00
 - (ii) Permit not properly affixed or displayed but parked in his/her assigned area. - \$4.00
 - (iii) Failure to register a vehicle - \$25.00
 - (iv) Displaying a hang tag registered to another person - \$35.00.
 - (v) An expired temporary tag will be charged as a No Decal Violation. The violation charge will be \$25.00 if parked in an Unassigned Area (plus violation charge for Unassigned Area) or \$5.00 if parked in your designated parking lot.
 - (vi) Altered temporary tag - \$5.00 / altered permanent tag - \$35.00.
 - 2. Lawful Request

Students refusing a lawful request from a Campus Police officer to remove vehicles from unassigned parking areas will be referred to the Vice President for Student Affairs and

(Rule 0240-3-6-.07, continued)

faculty and staff will be referred to the appropriate administrative officer for possible disciplinary action.

3. Violations

(i) Parking

Ticket	Amt.	Cum. Total
1	\$15	\$15
2	25	40
3	35	75
4	45	120
5	55	175
6	65	240
7	75	315
8	85	400
9	95	495
10	105	600

(ii) Moving

Ticket	Amt.	Cum. Total
1	\$30	\$30
2	60	90
3	90	180

(iii) 30 Minute Parking

Ticket	Amt.	Cum. Total
1	\$5	\$5
2	10	15
3	15	30
4	20	50
5	25	75
6	30	100
7	35	140
8	40	180
9	45	225
10	50	275

(iv) Firelane

Ticket	Amt.	Cum. Total
1	\$25	25
2	50	75
3	50	125
4	50	175
5	50	225

(Rule 0240-3-6-.07, continued)

6	50	275
7	50	325
8	50	375
9	50	425
10	50	475

(v) Parking in Unassigned Area

Ticket	Amt.	Cum. Total
1	\$20	20
2	30	50
3	40	90
4	50	140
5	60	200
6	70	270
7	80	315
8	90	405
9	100	505
10	110	615

- (vi) The fourth violation within any academic semester may result in the motor vehicle registration being revoked by the Vice President for Student Affairs for a period of six months or the remainder of the academic year, whichever is greater.

(6) Appeals.

- (a) A citation received by a student may be appealed to the Student Appeals Committee within fifteen (15) academic days. Appeal forms are provided by the University Police Office. Appeals made later than the fifteen (15) days following issuance will not be considered.
- (b) Citations received by Staff and Faculty may be appealed within fifteen (15) academic days to the Faculty and Staff Committee. Appeal forms are available in the Tennessee Tech Police Department and departmental chairpersons' and deans' offices.

Authority: T.C.A. §49-8-203. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed October 8, 2003; effective February 27, 2004.

0240-3-6-.08 REGISTRATION OF MOTOR VEHICLES.

- (1) Campus registration of motor vehicles for faculty, staff and students full-time, part-time, and night is required for Fall Semester and must be maintained throughout the year. Vehicles must be registered during the week of general academic registration as listed in the catalog or immediately after the vehicle is brought to the campus. Registration is required to operate a vehicle on campus any time of day or night, including weekends. Faculty and staff will have a choice of stick-on or hangtag permits. These regulations are also applicable to persons with disabled registration status. Disabled registration

(Rule 0240-3-6-.08, continued)

- may only be used by the person it has been issued to. Disabled registration can only be obtained through the County Clerk's Office.
- (2) The motor vehicle registration decal must be obtained and affixed permanently (cannot be taped) to the left rear bumper or the left rear glass of the vehicle. Hang-tag permits must be hung on the stem of the rear view mirror. Those decals not affixed properly will be regarded as void; the owner of the vehicle will be cited for failure to display a decal.
 - (3) All Faculty, Staff or Students operating a vehicle on campus on a temporary basis, as a substitute for a permanently registered vehicle, may be issued a temporary permit upon application to the Tennessee Tech Police Department. Students who bring their vehicles on campus during the last week of the semester only, need not permanently register their vehicles, but must secure a temporary permit for that week. Temporary permits issued to those who do not have a permanent registration will be limited to one week. Others will issued for two weeks.
 - (4) Motorcycles will be registered as motor vehicles and the special stick-on permit will be affixed to a prominent place on the vehicle. Mopeds need not be registered.
 - (5) All employees (Faculty and Staff) should register vehicles preceding fall registration or immediately after arriving on campus. Vehicle registration must be completed by the end of the first week of Fall Semester.
 - (6) Faculty, Staff and Students are issued color-coded permits indicating their proper parking area. Faculty and staff are not authorized to furnish parking permits to students except students who are spouses of the family of faculty or staff member. Also, permits will not be provided by the registrant to other faculty/staff member.
 - (7) The vehicle registration fee, per permit, for Administrative Staff and Faculty will be \$30.00 for Fall Semester, \$20.00 for Spring Semester, \$10.00 for Summer Semester. The Vehicle registration fee, per permit, for Clerical and Support Staff will be \$10.00 for Fall Semester, \$7.00 for Spring Semester, and \$5.00 for Summer Semester. The charge for replacement of lost or stolen hang tags for Administrative Staff, Faculty, and Clerical and Support Staff will be \$10.00 for Fall Semester, \$7.00 for Spring Semester, \$5.00 for Summer Semester. The initial student permit is included in the General Access Fee. Each additional permit will be \$30.00 for Fall Semester, \$20.00 for Spring Semester, and \$10.00 for Summer Semester. The charge for replacement of a lost or stolen hang tag will be \$10.00 for Fall Semester, \$7.00 for Spring Semester, and \$5.00 for Summer Semester. Permits will be replaced free of charge only when the numbers are returned intact to the Tennessee Tech Police Department.
 - (8) No individual is allowed to give, loan, furnish or sell a parking permit to another individual. Each student must purchase his or her own permit to retain the privilege of driving a vehicle on campus. Faculty and staff are not permitted to give, loan, furnish or sell a parking permit to anyone other than his or her spouse.

Authority: T.C.A. §49-8-203. **Administrative History:** New rule filed August 29, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amended filed November 26, 1997; effective March 30, 1998. Amendment filed February 28, 2000; June 28, 2000. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004.

0240-3-6-.09 SEXUAL ASSAULT POLICY.

(Rule 0240-3-6-.09, continued)

- (1) Tennessee Technological University (TTU) will not tolerate sexual assault. TTU recognizes that all individuals have the right to study, reside, and work in an environment free from sexual assault. Accordingly, TTU prohibits sexual assault as defined by state law. Actions that result in charges of sexual assault under this policy will be subject to University disciplinary action. They may also subject a student to criminal and/or civil liability under state law.

TTU will make every effort to see that the victim is notified of existing on- and off-campus counseling, medical and other student services for victims of sexual assault. TTU will make every effort to see that the victim is notified of his/her options to report the sexual assault to the proper law enforcement authorities, including the TTU Police Department and/or the Cookeville Police Department, and/or to the Dean of Students. Differing levels of confidentiality will exist depending on the choices made by the victim.

(a) What to Do if You Have Been Sexually Assaulted

1. Get to a safe place immediately.
2. Call someone who can be with you.

If you do not want to call a friend or family member to be with you then either call TTU Police, 372-3234, who will contact a campus advocate to be with you or call Genesis House's Sexual Assault Response Center, 528-4679, or 1-800-707-5197, from outside Cookeville and in the 14 county Upper Cumberland area, who will provide someone who can discuss medical, legal and counseling options.

3. Take care to preserve all physical evidence.

If possible do not bathe, shower, douche, eat, drink, smoke, urinate, brush your teeth, or change your clothes. Do not disturb anything in the area where the assault occurred. You may destroy evidence. If you have changed your clothes, take the clothes you were wearing at the time of the rape to the hospital in a paper bag. (Plastic may destroy evidence). It is important to appropriately preserve evidence for the proof of a criminal offense.

4. Seek medical attention.

You may have sustained injuries from the attack or contracted a sexually transmitted disease; therefore, the sooner you seek medical attention the better. Student Health Services, 372-3320, can provide medical care, but not evidence collection, during the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday, when TTU is in session. At any time, Cookeville Regional Medical Center, 528-2541, can provide both medical care and evidence collection. Also, at any time within the first 72 hours, Genesis House's Sexual Assault Response Center can provide, at no cost, evidence collection. It is important to appropriately preserve evidence for the proof of a criminal offense.

5. Seek follow-up counseling.

Whether or not you immediately report the assault or prosecute, a trained counselor can help you deal with the emotional trauma of an assault. You may call the University Counseling Center, 372-3331, during office hours, and ask to speak with a counselor. The University Counseling Center will also have information concerning off-campus counseling services that are available for you - sometimes available free of charge.

(Rule 0240-3-6-.09, continued)

(b) Dealing with the Aftermath: Survivor Assistance

The Dean of Students can assist any student who is the victim of a sexual assault in notifying law enforcement, in obtaining medical assistance, and in pursuing counseling. If a student requests a change in his/her academic or on-campus living situation, then the University will accommodate the student's request if those changes are reasonably available.

(c) What You Need to Know About Reporting the Sexual Assault

There are several options available to a student who was sexually assaulted by another student. In addition to bringing charges against the perpetrator in criminal or civil court, the survivor may also seek recourse through the University disciplinary process. If a student was sexually assaulted by a non-student, the University disciplinary process is not an option. Victims are encouraged to report the sexual assault as a crime and/or as a violation of the TTU Student Conduct Code so the perpetrator can be stopped and to alert the TTU campus community of potential danger.

(d) University Disciplinary Procedures

Sexual Assault, in addition to being a violation of state law, also is a violation of the TTU Student Conduct Code. If a survivor initiates campus disciplinary action, both the accuser and the accused will be informed of the following:

1. The accuser and the accused are entitled to the same opportunities to have others present during the hearing.
2. Both the accuser and the accused will be informed of the outcome of any institutional disciplinary hearing brought alleging a sex offense.

In order to bring charges of sexual assault against another student, a student must initiate the judicial process by contacting the Dean of Students Office, 372-3237. If the accused student is found guilty of the alleged sexual assault, suspension or expulsion from the University may occur. For more information about the University disciplinary process, please refer to the TTU Student Handbook.

(e) The Accuser's Rights

During the course of the disciplinary proceeding, the accuser has the following rights:

1. To meet with the Dean of Students to discuss the disciplinary process.
2. To submit a written account of the alleged incident.
3. To be advised of the date, time, and location of the disciplinary hearing, and to request rescheduling of the hearing for a good cause.
4. To be accompanied by an advisor of the accuser's choosing, in accordance with TTU's Disciplinary Guidelines, during the hearing process, although the advisor will not be permitted to speak for the accuser during the hearing.
5. To testify as a witness during the hearing.

(Rule 0240-3-6-.09, continued)

6. To decline to testify, with the knowledge that such action could result in dismissal of the University's charges for lack of evidence.
7. To submit a written impact statement to the hearing panel for consideration during the sanctioning phase of the disciplinary process.

(f) Criminal / Civil Court

If a life-threatening emergency exists and you are on campus, call 911, the TTU Police Department will respond to your call. If you are off campus and call 911, the Cookeville Police Department, or another appropriate agency will respond to your call. By calling the police, you are reporting that a crime was committed against you as well as seeking the protection of the police. A decision to proceed in Civil Court is a personal matter.

(g) Educational Programs

The University provides the following activities aimed at promoting awareness of sex offenses and aimed at preventing sex offenses:

1. Lectures/workshops in the University Center open to all students and employees.
2. Programs in the Residence Halls.
3. Programs in the Tech Village Apartments
4. Presentations during New Student Orientation.
5. Discussions in the classroom presented by faculty, staff or administrators.
6. Presentations to Greek members.
7. Videotapes available to faculty for classroom presentations.
8. Articles in the student newspaper.
9. Resources in the Women's Center.
10. Posters on campus bulletin boards.
11. Safety walks on the campus.
12. Clothesline Project

(h) CrimeStoppers

To report any criminal activity and remain anonymous, call CrimeStoppers, 520-STOP.

Authority: T.C.A. §49-8-203. **Administrative History:** Original rule filed January 11, 2002; effective May 31, 2002.